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SENATE

{ REPORT
No. 101

HERMAN SHULOF

JANUARY 16 (calendar day, JANUARY 29), 1926.—Ordered to be printed

Mr. STEPHENS, from the Committee on Claims, submitted the following

R E P O R T

[To accompany S. 2616]

The Committee on Claims, to whom was referred the bill (S. 2616) for the relief of Herman Shulof, having considered the same, report favorably thereon with the recommendation that the bill do pass with the following amendment:

In line 9, strike out all after the word "but" and insert in lieu thereof "subsequently pardoned by President Wilson."

A similar bill passed the Senate in the Sixty-eighth Congress.

The facts are fully set forth in Senate Report No. 1154, Sixty-eighth Congress, second session, which is appended hereto and made a part of this report.

The Committee on Claims, to whom was referred the bill (S. 4050) for the relief of Herman Shulof, having considered the same, report favorably thereon with the recommendation that the bill do pass with the following amendment:

In line 9, strike out all after the word "but" and insert in lieu thereof "subsequently pardoned by President Wilson."

The bill authorizes and directs the Secretary of the Treasury to pay the sum of \$10,000 to Herman Shulof, of New York City, said sum being the amount paid by him to the United States by reason of the forfeiture of a bail bond of William Kahn, for whom he was surety. After the bail bond was given, Kahn, who was charged with perjury in a bankruptcy case, absconded and was afterwards arrested, convicted, and sent to prison, but subsequently pardoned by President Wilson.

The evidence before the committee shows conclusively that the sum of \$10,000 was paid by Shulof on account of the bail bond; that it was paid out of his own funds, and that it was due to his untiring activity in cooperation with the police authorities that Kahn, who was his brother-in-law, was arrested and convicted. According to Shulof's statement, he spent not less than \$2,500 in securing Kahn's arrest.

After carefully considering all the facts in the case your committee is of the opinion that Shulof is entitled to the relief sought and it is recommended that the bill do pass.

The following correspondence is appended hereto and made a part of this report:

DEPARTMENT OF JUSTICE,
Washington, D. C., April 25, 1924.

Hon. G. W. EDMONDS,
*Chairman Committee on Claims,
House of Representatives.*

MY DEAR MR. CONGRESSMAN: I desire to acknowledge your letter of the 8th instant, transmitting a copy of H. R. 3561 for the relief of Herman Shuloff, and asking for copies of papers on file in the department relating to this claim with my opinion as to its merits.

As the files in this case are voluminous, I apprehend that a recital herein of the material facts in the case will serve your purpose better than the transmission of copies of the papers.

Herman Shuloff was surety on the bond of one William J. Kahn who was convicted in the United States District Court for the Southern District of New York of making a false oath in a bankruptcy proceeding. He was sentenced October 31, 1913, to imprisonment in the Atlanta Penitentiary. The judgment of the district court was affirmed by the circuit court of appeals April 8, 1914, and certiorari was denied by the Supreme Court of the United States June 8, 1914. When the defendant should have surrendered himself for the execution of the sentence it was found that he had fled the jurisdiction. His bail was forfeited, and the amount thereof, \$10,000, was deposited in the subtreasury at New York, July 25, 1914.

Notwithstanding strenuous efforts by the bureau of investigation of this department, the whereabouts of the fugitive Kahn was not discovered until the early summer of 1918, when he was arrested at Los Angeles, Calif. At the prisoner's request his place of confinement was changed to McNeil Island, Wash., where he began serving a sentence of two years on July 23, 1918.

He soon thereafter filed an application for executive clemency, which was granted solely to save his life. He was released from prison June 2, 1919. If he had served out the full net period of his sentence, he would have been entitled to release February 29, 1920. It thus appears that he served a period of 10 months and 9 days, which was more than half of the full net period covered by his sentence. H. R. 3561 is in error in stating that the prisoner was sent to Atlanta and that he was pardoned a few days after his arrival at that prison.

Herman Shuloff, the surety on Kahn's appearance bond, who, it appears, now desires the return of the bail money, is a brother-in-law of Kahn, having married Kahn's sister.

The files of the department do not indicate that Kahn's rearrest was brought about by Shuloff or that he rendered a very great amount of assistance in the search. It appears that about the middle of November, 1916, Shuloff advised the New York office of this department's bureau of investigation that Kahn had been seen in Los Angeles about two weeks before. That information was probably true. The name of William Shuloff, a nephew of Herman Shuloff, appears a number of times in the files, indicating that William Shuloff was cooperating with the special agents of this department in the search for Kahn. Nothing has been found in the files of this department indicating in just what way his arrest was ultimately brought about.

This department was, on the 24th instant, shown by Mr. Shuloff's attorney an affidavit made by Shuloff on the 14th instant in which he states:

"That the apprehension of the said William J. Kahn was absolutely due to the efforts of your deponent. That your deponent spent over \$2,500 in his efforts during the four or five years that the said William J. Kahn was at large."

I do not know whether Mr. Shuloff can substantiate these allegations by satisfactory evidence.

You ask also for my opinion on the merits of this claim. The district judge who presided at the trial and the United States attorney recommended against executive clemency for Kahn, the judge stating as follows:

"I can not recommend executive clemency in the case of a man who fled the jurisdiction, and more especially where the perjury was deliberate and flagrant."

Section 1020 of the Revised Statutes provides for the remission of the whole or a part of the penalty of a forfeited criminal recognizance upon the concurrence of three conditions:

1. When it appears to the court that there has been no willful default of the party;
2. When it appears that a trial can, notwithstanding, be had in the cause; and
3. When it appears that public justice does not otherwise require the same penalty to be enforced.

While that statute is not applicable in the present case, the money having been paid into the Treasury, it may be regarded as indicating the general views of Congress as to the conditions under which a penalty might be remitted. Those conditions do not obtain in the instant case as the default was willful and the accused remained a fugitive for four years.

It should further be considered that the Government incurred much expense and trouble in its search for this fugitive, and was deprived for the period of four years of the right to have its laws speedily and effectively enforced. If, in your judgment, Shuloff is entitled to relief, I beg to suggest that for the above reasons the amount should be materially less than the sum paid into the Treasury.

I desire further to call your attention to some of the reasons assigned by Kahn in his application for clemency, which read as follows:

"4. Because your petitioner did not receive any benefit whatsoever out of said bankruptcy proceedings, but, on the contrary, sustained financial losses of \$24,025 in connection therewith.

"5. Because in addition to said loss of \$24,025 your petitioner lost the further sum of \$10,000, which he had deposited as bail in said proceeding and which was forfeited and paid to the Government."

From this fifth reason it seems possible that this bill would operate to relieve not Herman Shuloff, the surety, but William J. Kahn, the principal. If the quest on of prior ownership of this bail money is material, and you desire this department to make an investigation, I shall be glad to direct accordingly.

Sincerely yours,

HARLAN F. STONE,
Attorney General.

DEPARTMENT OF JUSTICE,
Washington, D. C., May 26, 1924.

HON. G. W. EDMONDS,
Chairman Committee on Claims, House of Representatives.

MY DEAR CONGRESSMAN: In answer to your request of the 6th instant, pertaining to the claim of Herman Shuloff, surety on the bond of William J. Kahn, heretofore convicted in the United States District Court for the Southern District of New York, I am inclosing herewith carbon and photostatic copies of a number of reports and letters in the files of this department referring to the efforts of Herman Shuloff and his nephew, William Shuloff, to secure the apprehension of Kahn.

Under the system in this department it is not at all probable that there is anything in the New York office the original or copy of which is not found here.

The bureau of investigation is also communicating with Agent Scully who was intimately familiar with that investigation, and has directed an investigation to ascertain whether the money forfeited was actually the property of Shuloff or belonged to Kahn, the principal. You will be advised of the result of that investigation as soon as the report is received.

It will be impossible to give you an exact statement or the expense incurred by this department in the search for Kahn, but an approximation will be made and sent you later.

Respectfully,

HARLAN F. STONE, *Attorney General.*

Report made by C. J. Scully, New York City, April 10 to April 13, 1914. U. S. v. William J. Kahn, perjury in bankruptcy proceedings—Fugitive]

Having been informed by Assistant United States Attorney Spence that William J. Kahn, convicted of perjury in bankruptcy proceedings and whose conviction was recently affirmed by the United States Circuit Court of Appeals, had failed to comply with the provisions of the bond given for appearance pending the appeal, I was directed by Division Superintendent Oflley to make efforts to locate and apprehend said Kahn.

Interviewed Herman Shuloff at No. 109 West Twenty-seventh Street, the bondsman, who stated that Kahn, who is his brother-in-law, was out of the city but was expected to return on Saturday; that this information was given him by his wife (Kahn's sister), who had learned that Mrs. William J. Kahn had sent a telegram to her husband informing him of the decision of the court of appeals and requesting him to come home.

Shuloff then communicated with Kahn's attorney, Mr. Terrence McManus, and after stated that there was no doubt as to the return of the fugitive before Monday next. Shuloff, further interrogated, stated that Kahn was employed by one Goldbaum, raincoat manufacturer, and was acting as a traveling salesman; that Goldbaum's office could be found in the vicinity of Thirty-fourth Street and Broadway.

Inquiries made show that Herman L. Goldbaum was formerly in business at No. 67 Fifth Avenue; that he removed to No. 129 West Thirty-seventh Street, then to the Longacre Building, and finally to No. 1367 Broadway, at which place he operated the Regal Rain Coat Co. He left this address several weeks ago and, according to the elevator boy, went to Memphis, Tenn. There is no record of any forwarding address for Goldbaum at the post office.

At Goldbaum's given address, No. 241 West One hundred and twelfth Street, I found this house closed and there is no existing post-office record of removal, nor is he known in the vicinity.

Went to No. 424 West One hundred and nineteenth Street, Kahn's last known residence, and learned that he had left there about six months ago. His present whereabouts unknown, and that all mail received addressed to him is returned to the post office.

Returned to the Federal building at 5 p. m. and there conferred with Mr. Spence. I later made arrangements through Assistant United States Attorney Stanton to secure an informant who is said to have had some information regarding Kahn that might be of value.

[Report made by C. J. Scully, New York City, Apr. 11 to Apr. 14, 1914. U. S. v. William J. Kahn, perjury in bankruptcy proceedings—Fugitive]

This a. m. had Herman Shuloff report at the Federal Building where he was interrogated by Assistant United States Attorney Spence and self as to the whereabouts of William J. Kahn.

Shuloff, who resides at No. 142 West Ninety-third Street, stated that he had again been informed as to Mrs. Lillie Kahn having telegraphed her husband on Thursday night and also that Louis Kahn had forwarded a message to the fugitive on Friday evening; that both telegrams were sent to Chicago, Ill., but he, Shuloff, had not been given the address on said telegrams; that Henry L. Goldbaum is believed to be with Kahn, who is engaged as a salesman for him, selling raincoats; that Kahn is also doing business for the Hygrade Fur Co., of New York, and might be located through the buyers of the department stores or furriers at Chicago.

Mrs. William J. Kahn, according to Shuloff, is now residing with her sister Miss Anna Winkelhofer, of Newark, N. J., at No. 510 West One hundred and twenty-third Street, Manhattan.

Mr. Shuloff, having been informed by Mr. Spence that he intended to take immediate action on the forfeiture of the bail bond admitted that he had met one William Teckinger, a cousin of Kahn, who had informed him that on last Wednesday night, he had met the fugitive and Goldbaum in Chicago.

Later located Joseph Trimble, of No. 118 West One hundred and seventeenth Street, and L. Trimble, his father, of No. 149 West One hundred and seventeenth Street, both employees of the Hygrade Fur Co., who will be called before the grand jury on Monday.

At 5.30 p. m., in company with Assistant United States Attorney Stanton and Attorney Dorfmann, went to the Fitzgerald Building, Forty-third Street and Broadway, where the latter made guarded inquiries as to the whereabouts of Kahn from an informant who stated that she had seen this man in Rector's on last Wednesday evening in company with his wife and several other women and that he usually frequented this restaurant.

During the balance of the evening I was engaged in keeping the entrance to Rector's under surveillance, but did not see any person answering the description of the fugitive enter.

Kahn's description is said to be as follows: 35 to 40 years of age, 5 feet 8 inches, medium build, brown hair streaked with gray, wears glasses and at times wears small moustache though he grew a beard while in the Tombs during a period of about a month. Said to be a sport. Is a Hebrew.

[Report made by H. G. Clabaugh, New York City; June 8 to June 10, 1914. In re William J. Kahn, fraudulent bankruptcy—Fugitive]

Assistant United States Attorney Spence telephoned that the court of appeals had sustained the Government in the above matter, and that in the morning, Wednesday, a warrant would be issued for the arrest of Kahn who is out on \$7,000 bail. Agent Scully, who had previously worked on the matter in April 1914, was tied up on a case in Brooklyn, but I went over the record with Agent Adams, who will make every reasonable effort to ascertain the present whereabouts of Kahn. We have never really known where Kahn has been living, but it seems his wife, who lives in Newark, N. J., temporarily, stopped with Miss Anna Winkelhofer, 510 West One hundred and twenty-third Street. Agent Adams, will endeavor to secure all available information immediately, and if Kahn is not found promptly, such further efforts will be made to locate him as seem proper. The bondsman, by the way, is a brother-in-law of the fugitive, and it is quite probable much difficulty will be experienced in getting a line on him through that source. Mr. Spence thought that the last address we had ought to be "covered" during the night and morning until such time as a warrant could be issued, but inasmuch as there was nothing definite to cover, this course was considered by me as impracticable, and Agent Adams was instructed to take the matter up first thing Wednesday morning and he will arrange to pick up the last trail between 5 and 6 o'clock Wednesday morning. In the meantime a warrant will be issued some time during Wednesday forenoon.

[Report made by A. G. Adams, New York City; June 9 to June 11, 1914. U. S. v. William J. Kahn, perjury in bankruptcy—Fugitive]

The appellate court having denied the motion on appeal of W. J. Kahn, Assistant District Attorney Spence requested him kept under surveillance pending the issuance this morning of a warrant for his arrest and to apprehend him if he attempted to leave this jurisdiction.

Mr. Spence furnished the information that he thought Kahn lived at either 420 or 480 Simpson Street, The Bronx.

Reference to Agent Scully's report for April 10, 1914, showed a search had been made for Kahn at that time without success. No mention was made therein of the Simpson Street address, but Mr. W. J. Kahn was said to be living then at 510 West One hundred and twenty-third Street with his sister, Mrs. Anna Winkelhofer, of Newark, N. J.

Mr. Clabaugh called Mr. Spence's attention to this, and the latter advised that the Simpson Street address be disregarded and attention centered on the One hundred and twenty-third Street address.

At the direction of Acting Division Superintendent Clabaugh I left my home about 5 a. m. and went to the vicinity of 510 West One hundred and twenty-third Street, where I took up watch for Kahn.

Soon after my arrival I learned that Kahn had moved about three weeks ago—where, not known; also that the New York Van Co. moved them.

Went to the office of the New York Van Co., One hundred and twenty-fourth Street near Eighth Avenue. Learned there that household goods and five trunks were stored May 14 in the name of Kahn, and later the name was changed to Winkelhofer.

Made inquiries at Station J post office. Informed there was no removal on file. The carriers were not in. Returned to the vicinity of 510 West One hundred and twenty-third Street, where I made many inquiries among the trades people, with many of whom the Kahns left unpaid bills. Learned that they owed the Cushman Bread Co. a large bill and that their agent had made a search for Kahn.

Phoned acting division superintendent to see if Agent Scully had given him any further information last night. He had none.

Returned to the New York Van Co., where I was informed by the bookkeeper that Kahn and wife were there about two weeks ago on a Saturday, took some clothing from the trunks, and said they intended to go to the seashore for a month or two, but did not state where. Mrs. Wappans, the bookkeeper, agreed to notify our office should any of the goods be removed, and should either Kahn or his wife put in an appearance an endeavor would be made to learn where they lived.

Returned to the post office but the carriers could give me no information.

Went to the main office of the Cushman Bread Co., 32 Lawrence Street. Learned there that a registered letter addressed to Kahn at 510 West One hundred

and twenty-third Street, May 28, was not returned although return receipt was demanded. They had no information as to Kahn's whereabouts.

Returned to Station J. Learned from Assistant Superintendent Lowden that this letter registered at Station W carried Station J's No. 4713, and is still being held at the office.

Went to 142 West Ninety-third Street to interview Herman Shulof, brother-in-law of Kahn and his bondsman. He was not there however. Learned that he is living in Edgewater, Rockaway.

Went to his place of business, Shulof & Co., 109 West Twenty-seventh Street. He knew nothing about Kahn having moved he said. In an endeavor to ascertain the whereabouts of William Kahn, Mr. Shulof endeavored to get in touch with Kahn's attorney, Terrence McManus, but was unsuccessful. One of Mr. McManus's partners informed Shulof that Kahn had lost his appeal.

He then endeavored to learn through Kahn's brothers Joe and Louis, the former of Kahn, Weiss & Feig, 38 West Twenty-sixth Street, the latter at the Hygrade Fur Co., 110 West Forty-second Street. Went with Mr. Shulof to the latter place, where Louis informed Shulof that Kahn's wife had an appointment to meet him some time in the near future, where or when he would not tell. Later Mr. McManus informed Mr. Shulof that the last address he had for Kahn was 603 West One hundred and fortieth Street.

Charles Winckhofer, confectioner at 270 Broad Street, Newark, N. J., is a brother of Mr. Kahn's wife.

I proposed that Shulof endeavor to get Louis to have Kahn's wife meet Shulof in order that I might shadow her. This he agreed to and many attempts were made by Shulof to bring this about with Kahn's brother, Joe.

Got in touch with Acting Division Superintendent Clabaugh notifying him of the foregoing and requested another agent to assist in the shadow.

Agent Scully joined me at Shulof's place of business. After several attempts to arrange the meeting as aforementioned had failed, Louis phoned saying that he had an appointment with Mrs. Kahn to-morrow at One hundred and twenty-fifth Street and Seventh Avenue but mentioned no time.

Mr. Shulof expressed the opinion that Louis and William's wife were endeavoring to bring about an appointment to extort money from him on the plea that if he did not give them money William would flee and Shulof forfeit his bail.

Agent Scully and I arranged with Mr. Shulof and his nephew, William Shulof, that he continue his endeavor to arrange a meeting with Mrs. Kahn, and when successful to notify us in order that we might shadow her.

We then went to One hundred and twenty-fifth Street and Seventh Avenue where is the Hotel Theresa. No one however of the name of Kahn or Winckhofer or Shulof or Trimble, another relative of Kahn's, are registered there.

We then made inquiries at 603 West One hundred and fortieth Street. Learned fugitive moved from there about three months ago; present whereabouts unknown.

Phoned to the office and discontinued after 5 p. m.

[Report made by A. G. Adams, New York City, June 10 to 13, 1914. U. S. v. William J. Kahn—Perjury in bankruptcy]

Remained at the office during part of the day awaiting word from Herman Shulof that a meeting between him and Kahn's wife had been successfully arranged to enable me to shadow her.

About 10.30 a. m. he notified me that she had not arrived; that he would continue his efforts to arrange the meeting, and that he would send a boy to Newark to learn if Mrs. Kahn is living over there with her folks and would notify me later.

Nothing further was heard from him to-day.

[Report made by H. G. Clabaugh, New York City, June 11 to June 13, 1914. U. S. v. William J. Kahn, fugitive]

Herman Schuloff, the bondsman for \$10,000 in this case and who is also a brother-in-law of the fugitive, called me twice during the day and once in the evening about 8.15 p. m. The last message was to the effect that the fugitive's wife had been located at 263 South Eighth Street, Newark, N. J., but as yet it has been impossible to definitely locate her to the extent of actually seeing her. I called Agents Adams and Scully on the telephone, but it was determined best

to sit tight and press the bond forfeiture proceedings, apparently, and keep crowding Schuloff. The details of the matters will be found in daily reports of the agents mentioned, with whom I confer regularly and keep in touch with the sources of information we expect to eventually lead to the apprehension of the fugitive.

[Report made by H. G. Clabaugh, New York City, June 13, 1914, to June 14, 1914. U. S. v. William J. Kahn, fugitive—Perjury case]

About 6.30 Herman Schuloff, the bondsman, called me on the telephone and stated that a young man working for him had heard that the fugitive was living at the Theresa Hotel, One hundred and twenty-fifth Street and Seventh Avenue, under the name of Williams, probably H. Williams, and wife, and it was thought they occupied rooms, or room, 27, or apartment 27.

Agent Adams called me on the telephone about 10 p. m., and after talking it over it was thought best to rest easy until Monday night, and make a few discreet inquiries in the meantime, as it was said the couple rarely came in before 9.30 p. m. and left very early each morning. The matter will have thorough attention and in the meantime the bondsman is being pressed hard to cooperate.

[Report made by A. G. Adams, New York City, June 13 to June 16, 1914. U. S. v. William J. Kahn, perjury in bankruptcy—Fugitive]

In response to phone call from Acting Division Superintendent Clabaugh, endeavored to reach him at his home. Learned he was still at the office. Got in touch with him there about 10 p. m.

He apprised me of the following:

That Herman Shulof, the bondsman, had notified him that he had been informed that the handwriting of a man who signed himself H. Williams and wife, and whom he believed was assigned to room 27 at the Hotel Theresa, One hundred and twenty-fifth Street and Seventh Avenue, was very much similar to that of William Kahn, the fugitive, and that the man was at the hotel only very late at night and leaves same very early in the morning.

In view of the unreliability of the information previously given by Shulof, it was decided that we await more definite information, and if nothing further developed before Monday to then make an investigation.

At the direction of Acting Division Superintendent Clabaugh, I, with agent Scully, went to the Hotel Theresa, One hundred and twenty-fifth Street and Seventh Avenue, at which place we had been informed the signature of a man signing himself as Williams was similar to that of fugitive. On our arrival there we learned that on May 26, Mr. and Mrs. C. Jay Williams and child, New York City, were assigned to rooms 822 and 824. Also that the description given us of this man was almost identical with that of fugitive, together with the fact that this man is in the picture business as was fugitive prior to his entering the fur business. The manager not being in we were advised to await his return. From what we had learned we deemed it advisable to get in touch with William Shulof to have him identify the man, and accordingly communicated with him by phone and we took up watch at the hotel. Later we were joined by Shulof's nephew, William. On the return of the manager I succeeded in gaining access to the room of this man, Williams, saw a photograph of his wife and some of his mail that was lying about. Showed the photograph to William Shulof who was positive that it was not fugitive's wife, and from the baggage and other effects about the room was positive that this man Williams was not the fugitive Kahn.

We three then went to One hundred and nineteenth Street and Lenox Avenue, where William Shulof called on Madam Wolf, a milliner, whose husband is going to sail for Europe to-morrow and who is a relative of Kahn. Shulof, however, was unable to get any information from them concerning the whereabouts of William.

Agents returned to the office and reported the foregoing to Acting Division Superintendent Clabaugh.

[Report made by C. J. Scully, New York City, June 15 to June 19, 1914. U. S. v. William J. Kahn, perjury in bankruptcy, fugitive]

At the direction of Acting Division Superintendent Clabaugh, I left the office in company with Agent Adams and proceeded to the Hotel Theresa, One hundred

and twenty-fifth Street and Seventh Avenue, at which place we had been informed that a signature of a man signing himself as Williams, resembled the handwriting of the fugitive. Inquiries at this hotel developed the fact that on May 26, Mr. and Mrs. C. Jay Williams and child, New York City, were assigned to rooms 822 and 824, also that the description of this man was similar to that of the fugitive. We were also informed that this man was in the moving-picture business.

Agents got in touch with William Shulof, and had him join us at One hundred and twenty-fifth Street and Seventh Avenue, this for the purpose of identifying the man occupying room 822.

Agent Adams gained access to the room occupied by Williams and saw a photograph of his wife, which, when shown to Shulof, he informed us that he was positive it was not the fugitive's wife, and from the baggage and other effects about the room was certain that this man Williams was not Kahn.

We then went to One hundred and nineteenth Street and Lenox Avenue where William Shulof called on Madam Wolf, a milliner, whose husband is going to sail for Europe to-morrow and who is a relative of Kahn. Shulof made inquiries at this place, but was unable to secure any information that would be of value in locating Kahn.

[Report made by A. G. Adams, New York City; June 16 to 18, 1914. U. S. v. William J. Kahn, perjury in bankruptcy, fugitive]

With Agent Scully went to Hoboken, N. J., to watch the Hamburg-American liner *Vaterland* which sailed to-day for Europe. Were informed that Mr. and Mrs. Julius Wolf, cousins of Kahn were sailing thereon. Mr. Shulof, the bondsman, was of the belief that William Kahn would be there to see them off, as he is also a relative and very friendly with them.

By appointment we had William Shulof accompany us for the purpose of identifying Kahn. We remained on watch until after the boat sailed, without having seen fugitive.

[Report made by C. J. Scully, New York City, June 16 to 19, 1914. U. S. v. William J. Kahn, fugitive]

This a. m., in company with Agent Adams, went to the piers of the Hamburg-American Line at Hoboken where we were joined by William Shulof, who had previously informed us that it was probable that Kahn would be present with his cousin, Julius Wolf, who had booked passage on the steamship *Vaterland* to Europe.

Agents watched all of the passengers boarding the steamer and also looked for Kahn among the spectators on the dock, but failed to see him about.

[Report made by A. G. Adams, New York City, June 17 to June 22, 1914. U. S. v. William J. Kahn, perjury in bankruptcy—Fugitive]

To-day William Shulof notified me that his uncle had learned that William Kahn was said to be living around One hundred and tenth Street and Broadway, where he, William, had located an apartment on the southwest corner of One hundred and tenth Street and Amsterdam Avenue. There he learned a married couple had recently rented a furnished room in apartment D with a Mrs. Statler; that the description of the wife was similar to that of Kahn's wife, and that about two weeks ago a letter addressed to a person named Kahn had been delivered there. Also received from him a photograph said to be that of William Kahn.

[Report made by A. G. Adams, New York City, June 25 to June 27, 1914. U. S. v. William J. Kahn, fugitive]

William Shulof, nephew of the bondsman, reported the following:

That he had been informed that the fugitive and his wife were living at 320 St. Nicholas Avenue, Manhattan; that he made inquiries there and learned that a man named Kahn, first name not known, had lived there but had gone within the last week or two to Detroit, Mich.

I accordingly went there to-day and learned that a Miss Summers, daughter of the lady living at that address, had married a man named Kahn, who is and has been for some time past connected with a Detroit smelting company; that he had recently been here on a visit and about a week or two ago he and she went to Detroit. From this and the description of both I was satisfied this is not the man wanted.

Learned further, however, that in this house, in apartment No. 63, lives a Miss Daggers, who is known as a private detective. She was described to me as a tall blonde, well built, about 35 or 40 years of age.

About a week or two ago a man whom she was heard to address as Harold came to her apartment to live. The man's actions aroused the suspicions of the superintendent's wife.

The superintendent and his wife both identified the photo of W. J. Kahn as that of the man in Miss Daggers's apartment. When pressed, however, they were not absolutely positive but felt reasonably sure both were one and the same. Their description also tallied closely with that of the fugitive even to his wearing horn rimmed glasses.

This morning two trunks and one valise were taken from the apartment aforementioned and from a telephone conversation which was overheard it was learned that arrangements were being made for sailing to-day.

Further inquiries developed that Frank Goering's Express moved the trunks. Located Goering's Express at 300 West One hundred and twenty-sixth Street. Learned that the baggage was removed in the name of H. N. Scholl to Pier 35, North River.

Learned this was the dock of the Ocean Steamship Co., Savannah line, and that a boat left there at 3 p. m. to-day. The expressman who went to the apartment for the trunks was out when I called. Later, on his return, he immediately recognized Kahn's photo as that of Scholl, and his description tallied with that given me of Kahn by Shulof.

Notified Acting Division Superintendent Clabaugh of the foregoing. Then went to Pier 35, where I learned that two trunks and one valise delivered there by Goering's Express were shipped on the steamship *City of Savannah* which left here at 3 p. m., and is due to arrive at Savannah on Saturday. The two trunks bear check numbers 497 and 498. From one of the trunks Scholl removed a suit case, which struck the baggage foreman as being rather peculiar. He also had a sample trunk weighing about 200 pounds marked "perfumery" from Richard Hudnot, 117 East Twenty-ninth Street. This was shipped for Scholl by freight to Atlanta.

Most of the baggagemen were gone when I arrived, and those whom I saw were not positive in the identification of the photograph of Kahn as that of Scholl.

Scholl was accompanied to the boat by a woman, who by her description I believed to be Miss Daggers. He, however, sailed alone, I was informed.

Notified Acting Division Superintendent Clabaugh of the foregoing.

As the boat will not arrive for at least 30 hours it was agreed to wait until the morning before taking further action in order to endeavor to make a further identification.

[Report made by A. G. Adams, New York City, June 26 to June 29, 1914. U. S. v. William J. Kahn, fugitive]

Made inquiries this morning at the office of Richard Hudnut Co., perfumers, 115 East Twenty-ninth Street, to ascertain whether they had a salesman named H. N. Schnoll representing them.

I was informed that they had; that he traveled through the South; that he has been with them since 1912; and that he sailed yesterday for Savannah, Ga. Their description of the man, while tallying in some respects with that of Kahn, did not in all.

After a conference with Acting Division Superintendent Clabaugh, we decided Schnoll was not the fugitive Kahn.

William Shulof reported to me that he had been informed that an expressman on One hundred and twenty-fifth Street near Broadway, name not known, was the man who moved the Kahns from their West One hundred and fortieth Street address some time ago. I have had, however, an address for them since that time.

[Report made by A. G. Adams, New York City, June 27 to June 30, 1914. U. S. v. William J. Kahn, fugitive—Perjury in bankruptcy]

To-day William Shuloff notified me that he had been informed by Mr. Charles Wilcheck, who is in the picture business at 96 Fifth Avenue, this city, that fugitive under the name of William J. Kane had ordered enlargements of photographs made by the Chicago Printing Co., of Dearborn Street, Chicago, and frames for same were ordered from the Chicago Metal Frame Co., of Chicago, and that a Mr. Kellner, of Chicago Frame Co., who knows Kane well, might have some information concerning recent orders by fugitive. In this way he thought we might be able to locate Kahn.

[Report made by H. G. Clabaugh, New York City; July 9 to July 15, 1914. In re William J. Kahn, fugitive]

William Shuloff, nephew of the bondsman, Herman Shuloff, called to ascertain the present status of the above matter. He had no additional information to impart and for reasons of our own (we are not by any means satisfied that the Shuloffs are acting in good faith with the Government) I purposely told him the Chicago office was not making any investigation in connection with the matter.

[Report made by J. A. Baker, New York City; July 22 to July 24, 1914. U. S. v. William Kahn, bankruptcy matter]

To-day William Shulof telephoned this office that he had learned the fugitive, William Kahn, had lived at the apartment of Mrs. Epstein, One hundred and twenty-sixth Street and St. Nicholas Avenue, and it was thought likely that the fugitive would be in communication with Mrs. Epstein at this time. Mr. Shulof requested some effort be made to ascertain if any letters were being received by Mrs. Epstein from said Kahn.

Agent Kropidowski was instructed to interview the postman and to arrange with the superintendent of the branch post office to furnish this office with tracings of all mail received by Mrs. Epstein at her home, the Cameron Apartments.

[Report made by A. G. Adams, New York City; Sept. 1 to Sept. 3, 1914. U. S. v. William J. Kahn, fugitive]

Got in touch with the New York Van Co., 264 West One hundred and twenty-fourth Street, for the purpose of ascertaining whether Kahn, or any one representing him, had taken any of his goods from storage; if so, when, and to where they were removed.

Was informed, however, that the goods are still in storage there and that neither Kahn nor any one representing him has been seen or has made inquiries concerning his goods.

Was informed by William Shuloff that William Kahn had been seen leaving the Polo Athletic Club a few nights ago. As it is well known that fugitive is a frequenter of boxing exhibitions, Mr. Herman Shulof, the bondsman, requested that a lookout be kept at this place whenever there is an exhibition in an attempt to apprehend Kahn.

Report made by C. J. Scully, New York City, Sept. 4 to Sept. 5, 1914. United States v. William Kahn, fugitive—Concealment of assets]

Pursuant to instructions received from Division Superintendent Offley, went to the New Polo Athletic Association in company with Agent Adams, where we were joined by William Shulof, who had recently informed Agent Adams that Kahn had been seen leaving this club last Friday evening.

Agents took up watch on the entrance to this building, but failed to see Kahn enter. We also took up watch on those leaving, without success. Discontinued at midnight.

[Report made by A. G. Adams, New York City, Sept. 4 to Sept. 5, 1914. United States v. William J. Kahn fugitive—Concealment of assets]

At the direction of Division Superintendent Offley, I went with Agent Scully to the New Polo Athletic Association, Park Avenue and One hundred and

twenty-ninth Street, where we joined William Shulof, the nephew of the bondsman.

Together we took up watch in the hope of seeing and apprehending the fugitive, who, Shulof informed us, was seen there a few nights ago and who was known to be a regular frequenter of such exhibitions. At midnight we discontinued without having seen Kahn.

[Report made by C. J. Scully, New York City; Nov. 11 to Nov. 12, 1914. U. S. v. William J. Kahn, fugitive—Perjury in bankruptcy proceedings]

This morning interviewed Mr. Shulof, Kahn's bondsman, at his place of business on West Twenty-seventh Street. This gentleman is of the opinion that Kahn is now living at New Orleans, where he is probably engaged in the picture-frame business, but was unable to state why he was of this opinion, merely informing me that he had heard indirectly that Kahn intended to go to San Francisco, but would stop at New Orleans for a time; that if he went to the former city he would probably get in communication with one Morris Rosenthal who operates a dry goods store there, and who is one of his closest friends.

Mr. Shulof believes that Eddie Kahn, brother of the fugitive, who is said to live with one J. Selig at 155 Rutland Road, Brooklyn, is in communication with William Kahn. Shulof is quite certain that neither Kahn or his wife are in the city at this time.

During the evening, in company with Agent Tucker, went to the vicinity of 155 Rutland Road, where we took up watch on Selig's residence, but did not see anyone answering the description of the fugitive in or about the place during our surveillance.

[Report made by C. J. Scully, New York City, Nov. 15-16. U. S. v. William J. Kahn, perjury in bankruptcy—fugitive]

This day received a letter from Herman Shulof, of 109 West Twenty-seventh Street, brother-in-law and bondsman for William J. Kahn, fugitive from justice, the substance of said letter being a request for me to communicate with him immediately on the telephone. Got in communication with Shulof, who stated that he had received information from a friend that Kahn had been seen in a restaurant in Los Angeles about two weeks ago, and that when Kahn saw this man he immediately left said restaurant.

Shulof is of the belief that Kahn is engaged in the selling of oil paintings and photographs at Los Angeles, and probably uses the alias Winkelhoffer.

Asked as to the name and location of the restaurant where his friend had seen Kahn, Shulof stated that he would be unable to secure this information at this time, as the friend is a near relative of Kahn and would immediately suspect that he, Shulof, was endeavoring to locate him to turn him over to the Government, but he, Shulof, promised to make further inquiries within the next few days.

[Report made by L. C. Wheeler, Chicago, Ill., Nov. 23 to Nov. 25, 1914. In re William J. Kahn, perjury—fugitive]

Mr. William Shulof called at the office and stated that he had received information from an acquaintance of his to the effect that about three weeks ago the fugitive, William J. Kahn, was in Omaha, Nebr.; that he had obtained the information through a traveling fur salesman, who stated that while in a restaurant in Omaha talking with some friends, another salesman had said to him, "A competitor of yours is in town," and upon his inquiring who it was, this party said, "It is Kahn, who is working for the Hygrade Fur Co."

William Shulof, after thinking the matter over and on reaching Chicago, met Jacob Timble, who is the father-in-law of Louis J. Kahn, and inquired of Timble in a roundabout way whether Louis J. Kahn, a brother of the fugitive, was out on the road selling furs; that Timble replied that he was not, hence the deduction by William Shulof that the fugitive, William J. Kahn, is now out on the road under his own name selling furs for the Hygrade Fur Co. of New York, and that he may be communicating, either directly or indirectly, with the Hygrade Fur Co. through their representative, Jacob Timble, who is now stopping at the Palmer House, Chicago, room 68.

At 1 p. m. agent met Shulof at the Palmer House and later received a spot on Jacob Timble.

Arrangements have been made to have tracings made of all mail for Jacob Timble or the Hygrade Fur Co. William Shulof states that Timble will remain at the Palmer House until after Christmas; that his daily routine is to remain in the sample room showing furs to customers during the day.

After conference with Division Superintendent Clabaugh, it was decided to have Timble shadowed evenings, and particularly Sundays, with a view of ascertaining with whom he connects. Agent will also arrange at the Palmer House, through Assistant Manager and House Detective Sloan, to have a lookout kept for the fugitive. William Shulof turned over to Division Superintendent Clabaugh a good photograph of the fugitive, several copies of which will be made for use in Chicago, Omaha, and elsewhere.

[Report made by A. G. Adams, New York City, Nov. 23 to 24, 1914. U. S. v. William J. Kahn, perjury in bankruptcy—Fugitive]

On receipt of a letter from Herman Shulof, I was directed by Division Superintendent Offley to call on him.

Mr. Shulof showed me a letter dated November 21, written to him from the Palmer House in Chicago by his nephew, William Shulof, in which is contained the information that while in Detroit he met a fellow named Loeb, selling fur trimmings for the Layden Manufacturing Co. on Thirty-second Street, New York City; that this fellow told him that while in Omaha, Nebr. he met Kahn selling for the Hygrade Fur Co.; that thinking that Louis Kahn was meant he paid no further attention until in Chicago he met the elder Timble, a relative of Kahn the fugitive, who is selling for the Hygrade Fur Co.; that Timble told him that although he used to cover the territory around Omaha somebody else is looking after it now and that Louis is not on the road. On hearing this Shulof concluded that the Kahn that Loeb saw in Omaha was William Kahn the fugitive, and to that end he got in touch with our Chicago office and is cooperating there with Division Superintendent Clabaugh.

Mr. Shulof told me Louis Kahn lives at 101 West One hundred and eleventh Street, Lenox Court; that Timble lives at the same address; that another man named Timble, a cousin of the first Timble, lives at 2 East One hundred and fifteenth Street and that one Arnstein who is in the dry goods business in Omaha is a relative of the Kahns.

Reported this to Division Superintendent Offley who forwarded the information regarding Arnstein to the Chicago office to be sent to Mr. Eberstein at Omaha, Nebr.

[Report made by C. J. Scully, New York City, Nov. 18, 1916. U. S. v. William J. Kahn, perjury in bankruptcy, fugitive]

This day received a letter from Mr. Herman Shulof, who stated that his friend had informed him that he had seen Kahn just entering the Booth Cafeteria at Los Angeles, about 8 o'clock in the evening, and that upon seeing this man Kahn immediately left the place.

Shulof also stated in his letter that about 10 days ago a relative, United States Customs Inspector Aaron (?), saw the fugitive at Mexicali, on the California border line, but on the Mexican side, and that Kahn and his wife are traveling through that general section of California, but the informant was unable to state the name Kahn is using at this time.

[Report made by W. M. Offley, New York City, Nov. 20, 1916. U. S. v. William J. Kahn, fugitive from justice]

Had conference with Agent Scully concerning additional information secured by him from H. Shuloff, surety upon the bail bond of the fugitive in this case, and wrote Agent Plabdford; copy of letter with this report.

CHICAGO, November 28, 1914.

In re William J. Kahn, fugitive, perjury matter.

M. EBERSTEIN, Esq.,
Box 665, Omaha, Nebr.

DEAR SIR: Your attention is respectfully invited to the inclosed copy of Agent Wheeler's report dated November 23, and a photograph of the fugitive, both of which are self-explanatory. We are keeping tab on Mr. Timble here in Chicago, but I would suggest that you endeavor to ascertain under cover all you can with reference to Arnstein, the relative of the fugitive, who is said to reside in Omaha, and to be engaged in the dry goods business.

If my memory serves me correctly, Kahn was indicted for perjury growing out of bankruptcy proceedings. He lost out in the circuit court of appeals and since that time has been a fugitive from justice. The bondsman was one Herman Shuloff, an uncle of William Shuloff, our informant in the matter, and a brother-in-law of the fugitive, Herman Shuloff having married Kahn's sister.

A forfeiture was taken on the bond (it was, I believe, \$10,000), and the New York office did not believe that the bondsman or his relatives were cooperating with entire good faith. I, myself, have some doubt as to William Shuloff's sincerity, but recent developments cause us to believe he is probably doing everything he can to aid the Government in locating the fugitive.

If you should secure any information with reference to this matter, will you please be good enough to furnish the New York office with a copy of your report.

Very truly yours,

AUSTIN G. CLABAUGH.

DEPARTMENT OF JUSTICE,
Washington, D. C., May 28, 1924.

Hon. G. W. EDMONDS,
Chairman Committee on Claims,
House of Representatives.

MY DEAR CONGRESSMAN: Referring further to your letter of the 6th instant requesting certain information relating to the claim of Herman Shulof, formerly surety on the appearance bond of one William Kahn, convicted of a criminal offense in the southern district of New York, I am inclosing herewith copies of reports of Special Agent John C. Updegrove for the 21st, 22d, and 23d instant and attached inclosures, that is, copies of the front and back of the check by which Kahn's bail money was paid to the Government, Shulof's account with his broker, affidavit of Charles J. Scully, special agent of this department, who was assigned to locate Kahn when a fugitive, and affidavit of Shulof dated the 22d instant.

Respectfully yours,

HARLAN F. STONE,
Attorney General.

[Instructions of Special Agent in Charge Edward J. Brennan. Report made by John C. Updegrove, New York, N. Y., May 21, 1924. In re U. S. v. William J. Kahn, perjury in bankruptcy—Fugitive]

Referring to bureau letter, initialed and dated as indicated below, Mr. Samson Selig is to-day in Washington, but is expected home to-night, and agent will interview him in order to ascertain if there was more than one bail bond forfeited.

Agent interviewed Mr. Jerry Bonner, chief clerk criminal branch, United States district attorney's office, and the record shows as follows: November 19, 1913, William J. Kahn released on bail of \$7,500, and Herman Shuloff, of 102 West Ninety-third Street went on his bail.

On April 9, 1914, circuit court of appeals affirmed judgment and conviction of Kahn and fixed bail in the sum of \$10,000 pending application to the Supreme Court of the United States for writ of certiorari, and Herman Shuloff went bail for that amount.

On June 10, 1914, the bail was forfeited.

This is absolutely the only record in this case in the books of the United States district attorney's office, according to Mr. Bonner, and he expressed the opinion that what William Kahn meant when he stated in his application for clemency that he lost the further sum of \$10,000 which he had deposited as bail in said proceedings and which was forfeited and paid to the Government was

that he had to pay this money back to Shuloff, his brother-in-law. This, however, is only his opinion.

Agent will see Mr. Samson Selig on his return from Washington to-morrow morning and carry out the orders contained in letter of May 20, above referred to, and make further report.

[Instructions of Special Agent in Charge Edward J. Brennan. Report made by John C. Updegrave, New York, N. Y., May 22, 1924. In re U. S. v. William Kahn, perjury in bankruptcy—Fugitive]

Referring further to bureau letter noted below, agent this morning had an interview with Mr. Samson Selig and Mr. Shulof's personal attorney, H. Howard Babcock, both located in the Woolworth Building, the result of which was that they showed agent statement of account of Shulof & Co., with Hallgarten Co., New York, stock brokers, from June 30, 1914, to July 31, which shows an entry on July 16 of cash charged to Shulof & Co.'s account of \$10,000. They further showed to your agent a check, dated July 16, 1914, No. 10,229, drawn on the Citizens Central National Bank, payable to the United States Government, signed by Shulof & Co., amounting to \$10,000, which check was cashed on July 25, 1914, as per indorsement on back of same. Photostat copies of these two papers are inclosed herewith. Both of these attorneys state positively that Shulof has stated to them many times that William Kahn has never paid him the \$10,000, which he put up as bail and lost; that although they are brothers-in-law, they do not speak, etc.

Mr. Babcock will to-day get into communication with his client, Shulof, and obtain an affidavit to this effect. He will also obtain from Shulof, if possible, the present residence or whereabouts of William Kahn, so that, if thought desirable, he might be interviewed.

With reference to that part of the letter of May 20, stating that Agent Scully might be able to refresh his memory from the files in this office and advise the extent of Shulof's assistance in apprehending Kahn, inclosed will be found copy of an affidavit made by Charles J. Scully, on the 29th day of April, 1924.

STATE OF NEW YORK,

County of New York, ss:

Charles J. Scully, being duly sworn, deposes and says that he is a special agent of the Bureau of Investigation of the United States Department of Justice, attached to the New York office.

That he, together with another special agent, Mr. Albert Adams, were assigned some years ago to the case of the fugitive, William J. Kahn, who had been convicted of perjury in connection with a bankruptcy proceedings in the southern district of New York, and who had fled the jurisdiction.

Kahn's bondsman had been his brother-in-law, Herman Shulof. The \$10,000 bail deposited by Shulof was forfeited on Kahn's disappearance.

In connection with the effort to locate the fugitive, deponent, together with the aforesaid special agent, Adams, had occasion to keep in constant communication with Herman Shulof. Deponent always found him ready and willing to assist deponent and said Adams in doing anything that would lead to the ascertainment of Kahn's whereabouts.

That deponent and Adams would visit Shulof's place of business on an average of once every three days to find out if there were any developments. That during such interviews, Shulof would go as completely into detail as possible concerning any facts that he might have found out in connection with Kahn's whereabouts. That he gave deponent and said Adams as much information as he apparently had. That he suggested that all the members of his wife's family, including himself, be subpoenaed before the grand jury to see if anything were known by them of the whereabouts of Kahn. This suggestion was followed by deponent and Adams. That there was apparently some ill feeling on the part of the wife's family as to any efforts made by Shulof to locate Kahn, Kahn being Mrs. Shulof's brother. In fact, Herman Shulof seemed fearful lest his wife should ascertain the efforts that he was making for the apprehension of her brother.

Herman Shulof employed his nephew, William Shulof, who aided deponent and Adams in an effort to locate the fugitive.

Knowing that said Kahn was addicted to attendance at sporting activities, on several occasions deponent and said Adams, in the company of the nephew, William Shulof, watched the crowds entering ball grounds and prize fights and other places where William Shulof stated that he had been advised that Kahn would likely be found, and William Shulof stated to deponent that the expenses for the effort to locate Kahn were being paid by his uncle, Herman Shulof, the bondsman.

William Shulof, the nephew, devoted much time to the efforts to locate Kahn, besides going about with deponent and Adams. When necessary, gave them whatever information he had, and in fact lent them a photograph of the fugitive, a copy of which is now in the files of the Department of Justice in New York.

Numerous letters were written by Shulof to deponent and others in the Department of Justice, some of which will be still found among the files of the department, which deponent has examined to refresh his recollection.

Deponent recalls that he interviewed William Shulof, subject to making a trip to some western city, which deponent believes to be Chicago or Omaha, for the purpose of locating Kahn, and deponent's recollection on this subject has been refreshed upon the examination of copies of some letters from Hinton G. Clabaugh, who was at that time division superintendent of the Department of Justice in Chicago, to the said William Shulof, in which there is some discussion of the offering of a reward for Kahn's apprehension, and showing that there was cooperation between Herman and William Shulof on the one hand and the Department of Justice on the other.

Deponent's recollection on the subject is also refreshed by a report of Special Agent Adams, dated November 2, 1914, in which he stated that Herman Shulof had shown him a letter from William Shulof from the Palmer House in Chicago, stating that William Shulof had been informed that Kahn had left Chicago and had gone to Omaha. Said Adams is no longer connected with the Department of Justice.

Deponent's recollection has also been refreshed by a letter in the handwriting of Herman Shulof, which is also in the records of the Department of Justice, showing that Kahn had been seen in the city of Los Angeles, Calif., and following that deponent, in conversations with Herman Shulof, was informed by him of the names of the people who claimed to have seen Kahn, and the fact of his being in Los Angeles, and giving deponent what suggestions Shulof could make as to practical ways of locating Kahn there, including the possible use of the alias of Winkelhofer by Kahn, and that he believed Kahn to be engaged in the sale of oil paintings.

Deponent promptly followed up this information and his recollection is refreshed that the information was embodied in a letter sent by William Offley, then division superintendent in charge of the New York office, to E. M. Blandford, then division superintendent at Los Angeles, looking toward the apprehension of Kahn, and deponent is informed and verily believes that it was a result of this information that the fugitive, William J. Kahn, was ultimately apprehended.

Deponent further says that during the time that he was at work on this matter he was, as aforesaid, in frequent conference with Shulof, received letters from Shulof, and that the files of the department will show that there was ready cooperation from Herman Shulof looking toward Kahn's apprehension.

In fact, most of the statements herein contained are brought back to deponent's recollection by letters or reports appearing in the files of the department.

It is deponent's belief, from the ready cooperation given by Herman Shulof and his anxiety to apprehend William J. Kahn, that it was his own and not Kahn's money which had been put up as bail, and that Shulof was anxious to recover same.

CHARLES J. SCULLY.

Sworn to before me this 29th day of April, 1924.

H. M. GORDON,
Commissioner of Deeds City of New York.

Commission expires May 23, 1924.

[Instructions from Special Agent in Charge, Edward J. Brennan. Report made by John C. Updegrove, New York City, May 23, 1924. In re U. S. v. William J. Kahn, fugitive—Perjury in bankruptcy]

Reference is made to previous reports on the above entitled matter, agent's last report being dated May 21, 1924.

Attached to copies of this report will be found copies of sworn statement signed by Herman Shulof, dated May 22, 1924, in which will be found statement that William J. Kahn did not pay \$10,000, or any part of the sum, to him; that it was his own money which he put up as bail for William Kahn and lost. Mr. Shulof gives the present address of William J. Kahn as Los Angeles, Calif., care of the "Eagle Garment Co."

Referring to director's letter dated and initialed as indicated below, particularly to the third paragraph: Affidavit of Special Agent Charles J. Scully was sent to the Washington office yesterday, in which Agent Scully asserts that Shulof did everything he could to assist the department in apprehending Kahn and accompanied agents of the department at different times in endeavoring to locate him.

It is the opinion of those connected with this matter and who have been referred to in this and former reports, that Kahn again perjured himself in making his application for pardon, wherein he stated that he lost the full sum of \$10,000 which he had deposited as bail in said proceedings and which was forfeited and paid to the Government.

Closed at New York, unless additional investigation is desired.

STATE OF NEW YORK,

City and County of New York, ss:

Herman H. Shulof, being duly sworn, deposes and says that he is the claimant making demand from the Government of the return of \$10,000 forfeited by him for the nonappearance of one William J. Kahn. That at no time prior to the 16th day of July, 1914, or on the 16th day of July, 1914, did William J. Kahn give to your deponent \$10,000 or any sum whatsoever to be used by your deponent in paying the bond forfeited by the nonappearance of the said William J. Kahn. That at no time since your deponent paid to the United States Government the sum of \$10,000 has William J. Kahn paid any part whatsoever to your deponent, nor has any person on behalf of the said William J. Kahn paid any part of the \$10,000 to your deponent.

Your deponent states it to be a fact that the \$10,000 deposited by him with the United States Government on July 16, 1914, was his own sole and exclusive money and that he has not been paid any part of it by any person at any time. Your deponent further states it to be a fact that the \$10,000 which he deposited with the United States Government on July 16, 1914, was withdrawn by him out of his own personal account with Hallgarten & Co. on the 16th day of July, 1914, and that the said sum was deposited in the Citizens Central National Bank, and drawn against by him on that day by check No. 10229 to the order of the United States Government.

HERMAN H. SHULOF.

Sworn to before me this 22d day of May, 1924.

[SEAL.]

G. W. RAYMOND,

Notary Public, Kings County.

Commission expires March 30, 1926.

DEPARTMENT OF JUSTICE
Washington, D. C., July 7, 1924.

Hon. G. W. EDMONDS,

Chairman Committee on Claims,

House of Representatives.

MY DEAR CONGRESSMAN: Referring again to your letter of May 6, 1924, in which you requested certain information relating to the claim of Herman Shulof for the return of money paid by him to the Government upon default on one William Kahn, a criminal defendant, and particularly to your last paragraph wherein you inquire concerning the total expense incurred by the department in the search for Kahn, the Bureau of Investigation advises me that it is impracticable to estimate the cost of that investigation, but that from a reading of the file it is stated without hesitation that the expense reached the sum of \$500. I am unable to say how much more than that was expended.

You will understand, of course, that this is merely an approximation.

Respectfully,

HARLAN F. STONE, *Attorney General.*

DEPARTMENT OF JUSTICE,
Washington, D. C., December 19, 1924.

Hon. GEORGE W. EDMONDS,
Chairman Committee on Claims, House of Representatives.

DEAR MR. CONGRESSMAN: I beg to acknowledge your letter of the 8th instant inquiring whether I have any different advice in the matter of the case of Herman Shulof (H. R. 3561) in view of the records submitted since my first letter. I presume you refer to my letter of April 25, 1924.

That letter left in doubt the questions whether the rearrest of William J. Kahn, on whose appearance bond Mr. Shulof was surety, was brought about by Shulof and whether he rendered any great amount of assistance in the search. There was also a doubt whether the sum of \$10,000 bail which was forfeited to the United States was Shulof's money or whether Kahn himself had furnished it as alleged in his application for Executive clemency.

The files of this department show the following additional papers: A paper purporting to be a copy of an affidavit by Mr. Shulof, alleging in substance that no part of the sum of \$10,000 was received by him from William J. Kahn before or since he paid the forfeiture of that bond.

A report by Special Agent Updegrave setting forth that he had been shown by Mr. Shulof's personal attorney, H. Howard Babcock, a statement of account of Shulof & Co. with Hallgarten & Co., stock brokers, containing a charge on July 16, 1914, of the sum of \$10,000; and that he was also shown a check, bearing the same date, evidently used to pay that sum to the Government. The report shows that photostat copies of those two papers were furnished the department by the special agent.

A copy of an affidavit, dated April 29, 1924, by Special Agent Charles J. Scully, who was active in the search for Kahn when a fugitive, which affidavit sets forth the activity and apparent sincerity of Herman Shulof in that search. I presume the original affidavit has been filed with your committee.

A statement dated May 31, 1924, from Agent Scully, in which he says there is no doubt whatsoever in his mind that Shulof assisted the Government materially in its attempt to locate his missing brother-in-law.

A paper purporting to be a copy of an affidavit by William J. Kahn, dated at Los Angeles September 13, 1924, alleging that no part of the \$10,000 in question has at any time been paid to Shulof by Kahn or in his behalf, and that the said sum was the personal money of Shulof.

Respectfully,

HARLAN F. STONE, Attorney General.

STATE OF NEW YORK,
City of New York, County of New York, ss.:

Herman H. Shulof, being duly sworn, deposes and says that he is the claimant to recover \$10,000 paid by him to the Department of Justice, United States attorneys office, in June of 1914.

That shortly after the disappearance of William J. Kahn your deponent hired William Shulof, then at No. 109 West Twenty-seventh Street, in the Borough of Manhattan, city of New York, to assist him in obtaining information in reference to the whereabouts of the said William J. Kahn. That the reason your deponent was obliged to retain William Shulof was for the purpose of keeping the details of his search for William J. Kahn from your deponent's wife, who was a sister of the said William J. Kahn. That your deponent and William Shulof hired a detective agency to shadow the wife of William J. Kahn, who was then residing in Newark, N. J. Your deponent believes that it was the Metropolitan Detective Agency, but he is unable at the present time to ascertain fully the name of the detective or make positive the detective agency, as most of the papers relating to this matter were destroyed by water used on a fire adjoining his premises in West Twenty-seventh Street, New York City, but your deponent knows it to be a fact that he and William Shulof did pay \$15 a day to a detective to shadow the said Mrs. William J. Kahn, and by reason of such services and the reports furnished to your deponent from the detective agency the said William J. Kahn was located in Chicago.

That during the month of November, 1914, William Shulof went to Chicago and there was in touch with Hinton G. Clabaugh, division superintendent of the United States Department of Justice, bureau of investigations, Chicago, and

hired detectives in Chicago to run down the clues that had been given him from detectives in New York. That the said William Shulof sent your deponent two telegrams, the originals of which are hereto annexed and made part hereof which indicate that the investigation in Chicago resulted in finding that William J. Kahn had left Chicago and gone to Omaha, Nebr. Two letters dated December 3, 1914, and December 18, 1914, addressed to William Shulof signed by Hinton G. Clabaugh, division superintendent of the United States Department of Justice, bureau of investigations, Chicago, are also hereto annexed and made part hereof, which letters show the work that was done and the interest that was taken by Mr. Shulof to apprehend William J. Kahn, then a fugitive from justice. That your deponent paid the said William Shulof in cash the sum of \$500 for his services in Chicago in addition to the sum of approximately \$300 for his expenses while in Chicago.

That thereafter from information that had been gained your deponent sent William Shulof to Omaha, Nebr., where the said William Shulof remained for a period of approximately two weeks, and with the aid of private detectives there found that William J. Kahn had left Omaha, Nebr., and had gone to parts unknown and later found in California.

That you that time on your deponent exerted every effort possible to ascertain the present whereabouts of William J. Kahn and did during the year 1918 through detectives here in New York get clues which led to the discovery of William J. Kahn in California. That this information was given at length to Messrs. Adams and Scully, then in the Department of Justice in New York, and your deponent understood that the Department of Justice did apprehend the said William J. Kahn, relying upon the information given to them in California, and that the said William J. Kahn was thereafter placed in a Federal prison in California and remained there until pardoned by President Wilson.

That your deponent at the present time is unable to furnish the vouchers for the various items, but states it to be a fact that the sum expended by him in his endeavors to locate William J. Kahn was not one cent less than \$2,500, and it is your deponent's honest opinion that it was in excess of that figure.

Your deponent would furnish supporting affidavits of the said William Shulof if it were not for a fact that William Shulof died shortly after the apprehension of the said William J. Kahn, and that he died during the influenza epidemic in New York.

HERMAN H. SHULOF.

Sworn to before me this 29th day of April, 1924.

G. H. RAYMOND,
Notary Public, Kings County.

Commission expires March 30, 1926.

CHICAGO, November 20, 1914.

HERMAN SHULOF,
Care Shulof & Co., 109 West Twenty-seventh Street,
New York City:

Confirming my telegram, William was selling for Hygrade in Omaha last week. Timble here nine weeks having him covered. Claibeu's orders are have Louis private and business mail covered immediately.

WILLY.

CHICAGO, ILL., November 20, 1914.

HERMAN H. SHULOF,
Shulof & Co., 109 West Twenty-seventh, New York:

Got trail of William. Mail to-night, special delivery, photograph sample of handwriting for Claibeu. Details in night letter.

WILLY.

4 UNITED STATES DEPARTMENT OF JUSTICE,
Chicago, December 18, 1914.

In re William J. Kahn.

Mr. WILLIAM SHULOF,
Care of Shulof & Co., New York City.

DEAR SIR: I beg to thank you for your letter of the 15th instant, and in reply thereto it is respectfully suggested that you communicate with division superin-

tendent at New York with reference to the matter of offering such reward as the bondsman may suggest.

Division Superintendent Offley, or his assistant, Mr. Baker, can then take the matter up in the proper way with the department at Washington.

Very truly yours,

HINTON G. CLABAUGH,
Division Superintendent.

UNITED STATES DEPARTMENT OF JUSTICE,
Chicago, December 3, 1914.

WILLIAM SHULOF & Co.,
New York City.

DEAR MR. SHULOF: In reply to your letter of the 30th ultimo adressed to Agent Wheeler, I beg to assure you there have been no material developments here. We are covering the matter as carefully as we know how, both here and at Omaha, Nebr. If you receive any additional information I am sure you will communicate it promptly to Division Superintendent Offley at New York.

Thanking you in behalf of the department for your cooperation in the matter, I am,

Very truly yours,

HINTON G. CLABAUGH,
Division Superintendent.

STATE OF NEW YORK,
County of New York, ss:

Charles J. Scully, being duly sworn, deposes and says that he is a special agent of the Bureau of Investigation of the United States Department of Justice, attached to the New York office.

That he, together with another special agent, Mr. Albert Adams, were assigned some years ago to the case of the fugitive, William J. Kahn, who had been convicted of prejury in connection with a bankruptcy proceeding in the southern district of New York, and who had fled the jurisdiction.

Kahn's bondsman had been his brother-in-law, Herman Shulof. The \$10,000 bail deposited by Shulof was forfeited on Kahn's disappearance.

In connection with the effort to locate the fugitive, deponent, together with the aforesaid special agent, Adams, had occasion to keep in constant communication with Herman Shulof. Deponent always found him ready and willing to assist deponent and said Adams in doing anything that would lead to the ascertainment of Kahn's whereabouts.

That deponent and Adams would visit Shulof's place of business on an average of once every three days to find out if there were any developments. That during such interviews Shulof would go as completely into detail as possible concerning any facts that he might have found out in connection with Kahn's whereabouts.

That he gave deponent and said Adams as much information as he apparently had. That he suggested that all the members of his wife's family, including himself, be subpoenaed before the grand jury to see if anything were known by them of the whereabouts of Kahn. This suggestion was followed by deponent and Adams. That there was apparently some ill feeling on the part of the wife's family as to any efforts made by Shulof to locate Kahn, Kahn being Mrs. Shulof's brother. In fact Herman Shulof seemed fearful lest his wife should ascertain the efforts that he was making for the apprehension of her brother.

Herman Shulof employed his nephew, William Shulof, who aided deponent and Adams in an effort to locate the fugitive.

Knowing that said Kahn was addicted to attendance at sporting activities, on several occasions deponent and said Adams, in the company of the nephew, William Shulof, watched the crowds entering ball grounds and prize fights and other places where William Shulof stated that he had been advised that Kahn would be likely to be found and William Shulof stated to deponent that the expenses for the effort to locate Kahn were being paid by his uncle, Herman Shulof, the bondsman.

William Shulof, the nephew, devoted much time to the efforts to locate Kahn, besides going about with deponent and Adams. When necessary, gave them whatever information he had, and in fact lent them a photograph of the fugitive, a copy of which is now in the files of the Department of Justice in New York.

Numerous letters were written by Shulof to deponent and others in the Department of Justice, some of which will be still found among the files of the Department, which deponent has examined to refresh his recollection.

Deponent recalls that he interviewed William Shulof, subject to making a trip to some western city, which deponent believes to be Chicago or Omaha, for the purpose of locating Kahn, and deponent's recollection on this subject has been refreshed upon the examination of copies of some letters from Hinton G. Claibagh, who was at that time division superintendent of the Department of Justice in Chicago, to the said William Shulof, in which there is some discussion of the offering of a reward for Kahn's apprehension, and showing that there was cooperation between Herman and William Shulof on the one hand and the Department of Justice on the other.

Deponent's recollection on the subject is also refreshed by a report of special Agent Adams, dated November 2, 1914, in which he stated that Herman Shulof had shown him a letter from William Shulof from the Palmer House in Chicago, stating that William Shulof had been informed that Kahn had left Chicago and had gone to Omaha. Said Adams is no longer connected with the Department of Justice.

Deponent's recollection has also been refreshed by a letter in the handwriting of Herman Shulof, which is also in the records of the Department of Justice, showing that Kahn had been seen in the city of Los Angeles, Calif., and following that deponent, in conversations with Herman Shulof was informed by him of the names of the people who claimed to have seen Kahn, and the fact of his being in Los Angeles, and giving deponent what suggestions Shulof could make as to practical ways of locating Kahn there, including the possible use of the alias of Winkelhofer by Kahn, and that he believed Kahn to be engaged in the sale of oil paintings.

Deponent promptly following up this information and his recollection is refreshed that the information was embodied in a letter sent by William Offley, then division superintendent in charge of the New York office, to E. M. Blandford, then division superintendent at Los Angeles, looking toward the apprehension of Kahn, and deponent is informed and verily believes that it was a result of this information that the fugitive, William J. Kahn, was ultimately apprehended.

Deponent further says that during the time that he was at work on this matter he was, as aforesaid, in frequent conference with Shulof, received letters from Shulof, and that the files of the department will show that there was ready cooperation from Herman Shulof looking toward Kahn's apprehension.

In fact, most of the statements herein contained are brought back to deponent's recollection by letters or reports appearing in the files of the department.

It is deponent's belief, from the ready cooperation given by Herman Shulof, and his anxiety to apprehend William J. Kahn, that it was his own and not Kahn's money which had been put up as bail, and that Shulof was anxious to recover same.

CHARLES J. SCULLY.

Sworn to before me this 29th day of April, 1924.

H. M. GORDON,
Commissioner of Deeds, City of New York.

Commission expires May 23, 1924.

CITY OF LOS ANGELES,

County of Los Angeles, State of California, ss:

William J. Kahn, being duly sworn, deposes and says:

That he is the William J. Kahn for whom Herman H. Shulof gave bail in the sum of \$10,000, which was forfeited upon the failure of your deponent to appear in the United States District Court for the Southern District of New York.

Your deponent wishes to state that the \$10,000, which was deposited by Herman Shulof and paid by him to the United States Government was not given to the said Shulof by your deponent and that the said \$10,000 was the personal money of said Shulof.

Your deponent further states that at no time has your deponent paid the said \$10,000, or any part thereof, to the said Herman Shulof, nor has the said sum of \$10,000, or any part thereof, to your deponent's knowledge or belief, been paid to the said Herman Shulof by any person on your deponent's behalf.

W. J. KAHN.

Subscribed and sworn to before me this 13th day of September, 1924.

[SEAL.]

M. W. LEWER,

Notary Public in and for the county of Los Angeles, State of California.

My commission expires April 15, 1925.